

Public Chapter 458

HOUSE BILL NO. 761

By Representatives Jackson, Hargett, Haley, Pleasant, Ford, Patton, Roach, Kent, McMillan, Williams

Substituted for: Senate Bill No. 1366

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35 and Title 40, Chapter 28, relative to probation and parole.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 28, Part 4, is amended by adding the following as a new section:

Section____.

(a) As used in this section "sexual offense" has the same meaning as defined in Tennessee Code Annotated, Section 40-39-102(3).

(b) Applicants from a sending state who have been convicted of a sexual offense shall be required to enroll, at the offender's expense, in a sex offender treatment program within thirty (30) days of arrival in Tennessee. If no appropriate treatment program is available in the county or adjacent counties in which the applicant plans to reside, the application will be denied. However, the offender will be considered if such offender:

(1) completes such a program in the sending state prior to acceptance into the State of Tennessee;

(2) can provide documentation of such treatment; and

(3) meets all other criteria for acceptance.

Sex offenders who have completed a treatment program will be required to participate in an aftercare program while under supervision.

(c) Offenders whose sexual offense was reduced by virtue of a plea agreement shall be treated as a sex offender for treatment and supervision purposes.

(d) Sexual offenders shall be required to provide, at the offender's expense, a DNA sample to the Tennessee Bureau of Investigation.

(e) Sexual offenders shall be subject to electronic monitoring.

(f) Offenders with sexual offenses in their criminal history shall be treated as sexual offenders for treatment, tracking, and supervision purposes.

(g) Any sexual offender present in the receiving state prior to approval will be automatically denied.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.